



Where Life is Sweet

Members of the Planning Commission
STAFF REPORT
For the Meeting of October 11, 2023

Title/Subject

Major Partition- Amazon Data Services, Inc 4N2823 Tax Lot 200 - 908 E Penney Ave

Summary and Background

Parametrix has submitted a preliminary plat for a major partition located at 908 E Penney Ave. The property is owned by Amazon Data Services, Inc. The area proposed for partitioning encompasses 149.78 acres of land and is zoned Outlying Commercial/Heavy Industrial (C-2/M-2).

The property is currently vacant. The proposed major partition creates three lots and one street extension. Parcel 1 is approximately 113.62 acres and is proposed for use as a data center. Parcel 2 is approximately 13.72 acres and is proposed for a future electrical substation. Parcel 3 is approximately 22.44 acres and is proposed for use as a future industrial site. E Penney Ave is also proposed for extension westward from the current terminus at SE 9th Street to the west property line in accordance with the city's transportation system plan.

A major partition differs from the minor partition usually reviewed by the planning commission in one major respect. A major partition involves the dedication of a public street as part of the lot creation process. As noted above, this partition proposes a new extension of E Penney Ave separating parcels one and three. In other respects, a major or minor partition are very similar, involving the creation of three or fewer lots in a calendar year. However, a major partition is not subject to the preliminary plat exemption in §154.35(B) of the Hermiston Code of Ordinances. Therefore, the planning commission must review the major partition as a preliminary plat subject to the requirements of §154.35(C) at this meeting and then review the final plat at a subsequent meeting.

The land is part of a partition plat submitted and recorded earlier in 2023. A partition is defined as creation of three lots within a calendar year. This lot is part of a two-lot partition recorded earlier this year. The planning commission may review the preliminary and final plats within 2023, but the final plat shall not be recorded with Umatilla County prior to January 1 of 2024. Staff has verified with Umatilla County staff that this complies with the State of Oregon requirements for partitioning land.

Public notice was provided for the proposed partition. Notice of the land use action was mailed by direct mail to property owners within 100 feet on September 27, 2023. A sign informing the public of the proposal was placed on the property on September 27, 2023.

The criteria that are applicable to the decision to accept the proposed partition are contained in §154.15 through §154.35, §157.041 and §157.056 of the Hermiston Code of Ordinances.

The narrative and findings of fact for this application were prepared by Kristine Wilson with Perkins Coie, the applicant's counsel. These findings and narrative are attached to this report as Exhibit A. The conditions of approval are attached as Exhibit B. The map showing the property boundary and adjacent streets and parcels is attached as Exhibit C. The preliminary plat as prepared by the surveyor is attached as Exhibit D. An aerial photo for the planning commission's reference is attached as Exhibit E.

Tie-In to Council Goals

The land proposed for partitioning is part of the city's industrial employment base. Development of said land leads directly to economic development and job creation.

Fiscal Information

The property has an assessed value of \$45,005 and is receiving farm deferral of property tax assessments. The property is proposed for an industrial development of several hundred million dollars which will substantially increase the assessed value of the property. However, enterprise zone property tax abatements have been issued for development which will defer receipt of property tax revenue for several years.

Alternatives and Recommendation

Alternatives

The planning commission may choose to approve or deny the preliminary plat.

Recommended Action/Motion

Motion to make the project file a part of the record.

Motion to adopt findings of fact.

Motion to impose conditions of approval.

Motion to approve preliminary plat and direct applicant to proceed to final plat preparation.

Submitted By:

Clinton Spencer, Planning Director